

ORIGINAL

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SEP 24 2009

JAMES N. HATTEN, CLERK
By: *James N. Hatten*
Deputy Clerk

PATRICIA CARNEY and
RONNIE CARNEY,

Plaintiffs,

v.

PALISADES COLLECTION, L.L.C.,
a Delaware limited liability company,

Defendant.

: CIVIL ACTION FILE

: NO.

~~1:09-cv-2638~~

-CAM

COMPLAINT FOR DAMAGES

INTRODUCTION

1. This is an action for damages against the defendant for violations of the Federal Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 *et seq.*

SUBJECT MATTER JURISDICTION

2. Subject matter jurisdiction in this Court is proper pursuant to 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1337 (federal question jurisdiction).

PARTIES AND PERSONAL JURISDICTION

3. Plaintiffs are residents of this State and District and are authorized by law to bring this action.
4. Defendant, PALISADES COLLECTION, L.L.C., is a limited liability company organized under the laws of the State of Delaware with its principal place of business in New Jersey. [Hereinafter, said Defendant is referred to as "PALISADES"].
5. PALISADES is subject to the jurisdiction and venue of this Court.
6. PALISADES may be served by personal service upon its registered agent in the State of Georgia, to wit: C T Corporation System, 1201 Peachtree Street N.E., Atlanta, Georgia 30361.
7. Alternatively, PALISADES may be served by personal or substitute service pursuant to the Federal Rules of Civil Procedure and, as applicable, the laws of the States of Georgia, Delaware or New Jersey.

FACTS COMMON TO ALL CAUSES

8. PALISADES uses the mails in its business.
9. PALISADES uses telephone communications in its business.

10. The principle purpose of PALISADES's business is the collection of debts.
11. PALISADES regularly collects or attempts to collect debts owed or due, or asserted to be owed or due, another.
12. PALISADES is a debt collector subject to the provisions of the Fair Debt Collection Practices Act.
13. In the course of attempting to collect a debt allegedly due from Plaintiffs to a business not a party to this litigation, PALISADES communicated with Plaintiffs in a manner which violated the Federal Fair Debt Collection Practices Act.
14. In August and September 2009, PALISADES left a series of prerecorded telephone messages for Plaintiffs requesting a return call.
15. In all of the messages, PALISADES failed to meaningfully disclose its identity.
16. On August 31, 2009, PALISADES called Plaintiffs at approximately 10:11 P.M. Eastern Daylight Time.
17. The consumers local time zone in August was Eastern Daylight Time.
18. Plaintiffs did not give PALISADES prior consent to be called between 9:00 P.M. and 8:00 A.M. local time.

19. Calls after 9:00 P.M. are at an inconvenient time for Plaintiffs.
20. Defendant's communications violate the Fair Debt Collection Practices Act.
21. Plaintiff has complied with all conditions precedent to bring this action.

CAUSE OF ACTION

FAIR DEBT COLLECTION PRACTICES ACT

22. The acts of Defendant constitute violations of the Fair Debt Collection Practices Act.
23. Defendant's violations of the FDCPA include, but are not limited to, the following:
 24. The placement of telephone calls without meaningful disclosure of the caller's identity, in violation of 15 U.S.C. § 1692d(6); and
 25. Communication with a consumer at a time or place known or which should be known to be inconvenient to the consumer, in violation of 15 U.S.C. § 1692c(a)(1).
26. As a result of Defendant's actions, Plaintiff is entitled to an award of statutory damages, as well as an award of costs and attorney fees.

WHEREFORE, PLAINTIFF RESPECTFULLY PRAYS THAT
JUDGMENT BE ENTERED AGAINST DEFENDANT AND IN FAVOR OF
PLAINTIFF, AS FOLLOWS:

- a) That Plaintiff be awarded statutory damages;
- b) That Plaintiff be awarded the expenses of litigation including a reasonable attorney fee;
- c) That the Court declare each and every defense raised by Defendant to be insufficient; and
- d) That the Court grant such further and additional relief as is just in the circumstances.

Respectfully submitted,



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